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12 THUNDER PROPERTIES, INC.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

11 BANK OF AMERICA, N.A., )  
12 Plaintiff, )  
13 vs. ) Case No. 3:16-cv-00188-MMD-CBC  
14 THE SIENA HOMEOWNER'S )  
15 ASSOCIATION; THUNDER PROPERTIES, )  
16 INC.; and HAMPTON & HAMPTON )  
17 COLLECTIONS, LLC, )  
Defendants. )

**JOINT MOTION TO CONTINUE STAY OF BRIEFING OF SECOND MOTION FOR  
SUMMARY JUDGMENT PENDING ANTICIPATED SETTLEMENT**

## **(Second Request)**

COMES NOW, Defendant, THUNDER PROPERTIES, INC. and Plaintiff, BANK OF AMERICA, N.A., by and through their undersigned counsel, and hereby provide a status report pursuant to their Joint Motion to Stay Briefing of Second Motion for Summary Judgment Pending Anticipated Settlement dated March 8, 2019 [ECF #102], which was approved on March 11, 2019 [ECF #103]. The parties further move that the subject stay be continued for an additional 60 days, stating as follows:

1. On November 19, 2018, Plaintiff filed a Second Motion for Partial Summary Judgment herein [ECF #85]. Defendant's Response to said Motion was originally

1 due on December 17, 2018.

2 2. On March 8, 2019, the parties submitted a Joint Motion to Stay Briefing of  
3 Second Motion for Summary Judgment Pending Anticipated Settlement [ECF  
4 #102]. Said Motion was granted on March 11, 2019 [ECF #103].

5 3. As set forth in said Motion, the parties have agreed upon the essential terms of a  
6 settlement. However, certain rather unique logistical issues exist with regard to  
7 the manner in which the surplus funds related to the homeowners association lien  
8 foreclosure sale at issue are to be distributed, including the terms of an  
9 indemnification agreement between the parties. The parties are continuing to  
10 work to resolve these issues.

11 4. The parties desire to avoid unnecessarily expending additional resources on  
12 continued litigation given the agreed upon settlement. The parties continue to  
13 believe that the issue of the surplus funds will not render the settlement infeasible,  
14 however, additional time is required in order to resolve this issue.

15 5. Based upon the foregoing, the parties respectfully request that the briefing of  
16 Plaintiff's Second Motion for Summary Judgment, as well as all other related  
17 deadlines, be stayed for a period of an additional 60 days, until July 23, 2019.

18 6. The parties expect to finalize the settlement and cause this matter action to be  
19 dismissed in its entirety within said time period. In the event that this becomes  
20 impossible for some reason, the parties will so advise the Court by filing a status  
21 report or other appropriate document on or before July 23, 2019.

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7. This Joint Motion is made in good faith and not for purpose of delay.

Dated this 23<sup>rd</sup> day of May, 2019.

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## IT IS SO ORDERED

By: Judge, U.S. District Court

Dated: May 23, 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of May, 2019, I served via the United States District Court CM/ECF electronic filing system, the foregoing **JOINT MOTION TO CONTINUE STAY OF BRIEFING OF SECOND MOTION FOR SUMMARY JUDGMENT PENDING ANTICIPATED SETTLEMENT** to the following parties:

**JUDGMENT PENDING ANTICIPATED SETTLEMENT** to the following parties:

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